

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SARITA WILSON,

Plaintiff,

-against-

MID-HUDSON FORENSIC PSYCHIATRIC
CENER,

Defendant.

23-CV-8911 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e to 2000e-17, and the New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297, alleging that her employer discriminated against her based on her religion. By order dated October 11, 2023 the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the complaint until the Court reviewed the complaint and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

To allow Plaintiff to effect service on Mid-Hudson Forensic Psychiatric Center and the New York State Office of Mental Health (“OMH”)² through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for the defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendant.

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to: (1) mail an information package to Plaintiff[”] and (2) issue a summons for Mid-Hudson Forensic Psychiatric Center and the New York State Office of Mental Health, complete the USM-285 form with the address for this defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: October 16, 2023
White Plains, New York



CATHY SEIBEL
United States District Judge

² Plaintiff does not sue OMH, but the Court is directing service on OMH because Mid-Hudson is an OMH facility.

DEFENDANT AND SERVICE ADDRESSES

1. Mid-Hudson Forensic Psychiatric Center
2834 NY-17M,
New Hampton, N.Y. 10940
2. New York State Office of Mental Health
44 Holland Avenue
Albany, New York 12229